



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,957	04/25/2001	Isao Kawashima	450100-03176	6050
20999 7590 07/09/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
PESIN, BORIS M				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

darfanis@flhlaw.com

Office Action Summary**Application No.**

09/841,957

Applicant(s)

KAWASHIMA ET AL.

Examiner

BORIS PESIN

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 32, 35, 41 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 32, 35, 41 and 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 3/26/2008.

Claims 1-4, 6-8, 32, 35, 41 and 44-48 are pending in this application. Claims 1, 32, 35, and 41 are independent claims. In the amendment filed 3/26/2008, claims 1, 32, 35, 41, and 46-47 were amended. This action is made Final.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 35, 41, 46 and 47 recite "a computer readable medium," but the specification does not mention a "computer readable medium."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6-8, 32, 35, 41, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perälä (US 5917472) in view of Kirk et al. (US 6175842) in view of Higashio (US 5900869) further in view of Schindler et al. (US 5675390).

In regards to claim 1, Perälä teaches a display control apparatus for controlling display of information comprising: display control means for displaying linking information, that is linked to content information (Column 4, Line 31), and displaying a plurality of cursors operating on one or more display devices (Column 4, Line 34-42); wherein each cursor has a predetermined priority value which can be varied at a subsequent use ("With regard to the transfer of control, there are a number of possibilities of when this can be achieved. For example, the Host User mouse may get control immediately when it is moved, whereas the Guest User mouse may get control either after the Host User mouse has not been used for a specified time (time delay) or when the Host User has transferred control to the Guest User, for example by a hot key or selecting a specific icon or menu item on the display." Column 3, Line 41).

Perälä does not teach an apparatus comprising selecting means for selecting at least a portion of said content information as a function of a corresponding designation

by at least two of said plurality of cursors wherein said selection of content information is determined by a majority decision; an acquisition means for acquiring said selected content information as a function of the at least two cursors. Kirk teaches, *"Yet another advantageous group feature of the present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link."* Column 11, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä with the teachings of Kirk and include a method of selection and decision making based on multiple responses with the motivation to provide the users with a convenient method of deciding what subsequent actions should be taken.

Perälä and Kirk do not teach a decision weighted with said priority value of said cursor. Higashio teaches priority values for cursors, "When a priority switching menu is selected, the priority of the mouse with the current priority is switched to that of a mouse of one lower level. This process is carried out only by input of a mouse having the first or the second priority." (Column 3, Lines 64-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä and Kirk with the teachings of Higashio and include a method to prioritize the cursors and be able to switch the priorities of the cursors and allow other cursors to control the data after one cursor has acted on the data with the motivation to allow the user to share the available resources in a more organized manner.

Perälä-Kirk-Higashio do not teach displaying information selected by another cursor within an alternative window. Schindler teaches displaying data in a picture in picture window and a primary window (See Column 18, Lines 10-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä-Kirk-Higashio with the teachings of Schindler and include picture in picture capability with the motivation to provide the user with more information on the screen at one time.

As per claim 2, which is dependent on claim 1, Perälä teaches that the display control means displays said selected content information on said display device (column 2, lines 33-57, *i.e. – clicking on information to acquire information*).

As per claim 3, which is dependent on claim 1, Perälä teaches operation means adapted to generate operation signals to operate each of the plurality of cursors (column 1-2, lines 63-5), wherein said display control means displays, on said display device, each of the plurality of cursors, as a function of said operation signals (column 2, lines 33-57).

As per claim 4, which is dependent on claim 1, Perälä teaches that the display control means is adapted to uniquely display each of said plurality of cursors (column 2, lines 45-48).

As per claim 6, which is dependent on claim 1, Perälä does not teach a display controller apparatus wherein said linking information is described using a language for a predetermined image. Kirk teaches, "*Yet another advantageous group feature of the*

present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link." Column 11, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä with the teachings of Kirk and include a method of decision making based on multiple responses with the motivation to provide the users with a convenient method of deciding what subsequent actions should be taken.

As per claim 7, which is dependent on claim 1, Perälä teaches that the acquisition means acquires additional information from a network (column 4, lines 31-33, *i.e. – a network application acquires remote information*).

As per claim 8, which is dependent on claim 1, Perälä teaches that the acquisition means is a browser (column 4, lines 31-33, *i.e. – a browser is a network application*).

Claims 32 and 35 are similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 1, and is therefore rejected under similar rationale.

In regards to claim 44, Perälä-Kirk-Higashio-Schindler teach an apparatus wherein said priority values of said cursors vary inversely to said selection of content

information ("When a priority switching menu is selected, the priority of the mouse with the current priority is switched to that of a mouse of one lower level. This process is carried out only by input of a mouse having the first or the second priority." Higashio Column 3, Lines 64-67).

Claims 45-47 are similar in scope to claim 44; therefore they are rejected under similar rationale.

In regards to claim 48, Perälä-Kirk-Higashio-Schindler teach an apparatus wherein said priority values of said cursors vary as a function of said designation of content information of said cursors and said selection of content information ("When a priority switching menu is selected, the priority of the mouse with the current priority is switched to that of a mouse of one lower level. This process is carried out only by input of a mouse having the first or the second priority." Higashio Column 3, Lines 64-67).

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-8, 32, 35, 41 and 44-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art
Unit 2178

/B. P./
Examiner, Art Unit 2174